

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVE BARTOSEK,)	
Petitioner,)	
)	
v.)	C.A. NO. 04-360 ERIE
)	
S.C.I. ROCKVIEW, et al.,)	
Respondents.)	

**COMMONWEALTH'S MOTION FOR EXTENSION OF TIME
TO FILE ANSWER TO WRIT OF HABEAS CORPUS**

AND NOW, comes the Commonwealth of Pennsylvania, by and through its representative, John P. Garhart, Assistant District Attorney, Erie County, Pennsylvania, and files the within Motion for Extension of Time to File Answer to Writ of Habeas Corpus and in support thereof avers as follows:

1. On September 26, 2005, the District Attorney of Erie County was served with an Order signed by Magistrate Judge Susan Paradise Baxter ordering us to respond to the allegations of the petition for writ of habeas corpus filed by Steve Bartosek.
2. The District Attorney's office has assembled the lower court record and is still in the process of assembling the appellate record, briefs, decisions and formulating a legal response.
3. The Commonwealth believes that an additional 60 days will be sufficient to locate the remaining records needed and to finalize our reply.

WHEREFORE, for the reasons set forth herein, the Commonwealth respectfully requests this Honorable Court enter an order granting an extension of 60 days.

Respectfully submitted,

s/John P. Garhart
John P. Garhart, Esq.
Assistant District Attorney

Dated: October 28, 2005

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the Commonwealth's Motion for Extension of Time to File Answer to Writ of Habeas Corpus in the above-captioned matter in the manner indicated below, which service satisfies the requirements of the Federal Rules of Civil Procedure.

SERVICE BY FIRST CLASS MAIL

Steve Bartosek, EQ02251
SCI-Rockview
Box A
Bellefonte, PA 16823

By: s/Jennifer L. Sasso
Jennifer L. Sasso

Dated: October 28, 2005